

2007 FWP Legislative Proposals Being Drafted

1. **Make the Future Fisheries Program Permanent.** Remove the sunset of July 1, 2009 from the Future Fisheries Improvement Program (MCA §§ 87-1-272 and 273) and the integrated Bull Trout and Cutthroat Trout Enhancement Program (MCA § 87-1-283). Continue Resource Indemnity Trust funding of \$500,000 which will otherwise also terminate July 1, 2009 (MCA § 15-38-202). If the programs are allowed to sunset, the department will lose the FTE established to implement the program and the dedicated revenue sources.
2. **Remove the Sunset on Prairie Dog Management.** HB 492 passed by the 2001 Legislative Session allowed FWP to classify prairie dogs (white-tailed and black-tailed) as a species in need of management consistent with a management plan approved by FWP, the Department of Agriculture and the Department of Natural Resources and Conservation. Because prairie dogs are now a species in need of management, Montana is able to protect, manage and control prairie dogs pursuant to Montana's prairie dog conservation plan. HB 492 sunsets on October 1, 2007. This proposal would remove the sunset allowing Montana to continue active, balanced management of both prairie dog species (black-tailed and white-tailed).
3. **Remove the Sunset from the Instream Leasing Authority and Allow the Transfer of Water to Instream Flow.** The authority for FWP's successful water leasing program sunsets on June 20, 2009. This bill would remove the sunset and make the authority permanent. The bill would also allow FWP (and perhaps other government entities) to transfer consumptive rights to instream flow. Water right owners can change the use of their water to any other beneficial use provided other users are not adversely affected. The proposed change would allow FWP to change the use of a consumptive right owned by FWP, such as irrigation, to instream flows for fish and wildlife. For example, FWP needs this authority to accept water rights from ARCO for instream protection in the Upper Clark Fork River. This is a possible opportunity for FWP as part of the restoration of the Upper Clark Fork River. Leasing the water rights from ARCO for a maximum of 20 years now allowed by the leasing statute will not work here.
4. **Expand the Super-tag to include antelope, bison and lion.** The Private Lands/Public Wildlife Council (PL/PW) recommended the super-tag lottery be expanded to include antelope, bison and lion to generate additional funds for FWP's Block Management Program. One license for each species, valid in any hunting district with an open season for that species would be issued by lottery, as is currently authorized for deer, elk, moose, sheep and goat.
5. **Revise Boating Under the Influence Laws.** This proposal would strengthen the boating under the influence (BUI) law by clarifying the standards for alcohol concentration and testing. The present BUI law is difficult to enforce and does not meet the recommendations by the National Transportation Safety Board.
6. **Require Trapper Safety and Education Course.** Require successful completion of a trapper safety and education course as a pre-requisite to purchasing a trapper's license. The

recreational aspects of trapping are similar in many respects to big game hunting in that the safe use of equipment, appropriate harvest practices and ethical behavior are a public expectation for a safe environment. Increasing conflicts between resident trappers and a growing number of recreating publics has highlighted the need for the state to require a reasonable level of knowledge by trappers to obtain a state license to harvest furbearers in Montana.

7. Revise FWP's Outdated Publication Requirement for Hunting and Fishing Regulations. In some circumstance the archaic publication requirements for FWP's hunting, fishing, trapping and land use rules are confusing and sometimes difficult or impossible to comply with. These rules are adopted annually or biennially as an exception to the Montana Administrative Procedures Act. The rules are not valid unless they are published as required by statute. MCA § 87-1-202. This proposal would cure these defects and modernize the publication requirements.

8. Increase Commission Authority to Set Reduced License Prices for Game Management Purposes. Authorize the commission to set reduced prices for licenses for species other than deer, elk and antelope for game management purposes. The commission already has the authority to authorize additional deer, elk and antelope management licenses at reduced prices. For example, this would allow the department to sell bighorn sheep ewe licenses and cow bison licenses at reduced rates for the purposes of reducing herd numbers. Hunting is not an effective tool for desired herd reductions when the license prices are high and there is a need to reduce the number of females.

9. Repeal the Outdated Montana Conservation Corps Statutes. In 1989, the Montana Conservation Corps (MCC) was statutorily put under direction of the parks division within MCA § 23-1-301 through 23-1-314. In approximately 1993, MCC was reorganized to work as a non-profit and removed from direct state government oversight. The statute was never changed or repealed. This law needs to be repealed or revised to reflect the current structure and purpose of the Montana Conservation Corps.

Goals for the next biennium

Sustainability of the General License Account through 2013. Direction not to seek any additional fees until 2011 Legislative Session.

Continuation of existing programs.

- Remove upcoming sunsets

 - Future Fisheries program

 - Water leasing program

 - Prairie dog classification and conservation

Continue existing warden investigator positions and add two more investigators with primary emphasis on major offenders.

Continue upgraded survey and inventory efforts.

Continue to improve customer service

- Website

- Application process

- Licensing

Continue to improve operations and management of FAS and Parks

Pursue a stepped up acquisition program of Parks, FAS and access with the \$15 million proposed general fund for that purpose in HB 5.

Other Issues for the '07 Session

Stream access at bridges

Water rights: e.g., instream flow issues; augmentation of groundwater

Hunter recruitment and retention